

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT INDIANA**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. 1:14-cv-00740-TWP-MJD
	)	
v.	)	
	)	
DAVID GRANT,	)	
	)	
Defendant.	)	
	)	
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**PLAINTIFF’S THIRD MOTION FOR EXTENSION OF TIME WITHIN WHICH  
IT HAS TO SERVE DEFENDANT WITH A SUMMONS AND COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case originally against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their internet service provider (“ISP”).

2. On June 24, 2014, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Comcast Cable Communications Management, LLC, to obtain the Defendant’s identifying information [CM/ECF 12]. Plaintiff issued the subpoena on or about June 25, 2014, and received the ISP’s response on August 11, 2014.

3. On September 3, 2014, Plaintiff amended its Complaint to name the Defendant which was identified by the ISP [CM/ECF 10], and obtained a clerk issued summons to serve on the Defendant on October 9, 2014.

4. Upon receipt of the issued summons, Plaintiff immediately instructed its process server to begin attempting to serve the Defendant. To date, despite the process server's efforts, the Defendant has not been served.

5. Pursuant to the Court's Order entered on October 10, 2014 [CM/ECF 26] Plaintiff has until today, November 10, 2014 to serve the Defendant. Plaintiff has been in contact with Defendant's Counsel and had discussed the possibility of a waiver of service. To date, Plaintiff has yet to hear back from Defendant's Counsel. Therefore, Plaintiff is proceeding with service of the Defendant.

6. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the Defendant be extended by thirty (30) days, or until December 10, 2014.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendants with a summons and Complaint be extended until December 10, 2014. A proposed order is attached for the Court's convenience.

Dated: November 10, 2014

Respectfully submitted,

NICOLETTI LAW, PLC

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti